

UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi

United States of America
v.
ROBERT BENJAMIN JONES

Case No. 1:15mj502-RHW



Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 10, 2012 in the county of Harrison in the
Southern District of Mississippi, the defendant(s) violated:

Code Section
26 U.S.C. 5861(d)

Offense Description
Possession of an Unregistered Firearm

This criminal complaint is based on these facts:

See attached affidavit incorporated herein.

☒ Continued on the attached sheet.

Complainant's signature

Shane Lynes, S/A ATF

Printed name and title

Sworn to before me and signed in my presence.

Date:

JAN. 8, 2015

Judge's signature

City and state: Gulfport, Mississippi

Robert H. Walker, U.S. Magistrate

Printed name and title

Affidavit for Criminal Complaint

I, Shane Lyles, being duly sworn and deposed, state the following:

I have been employed since 2007 as a Special Agent (SA) with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Prior to service with ATF I was employed with the Sumter South Carolina Police Department. I am Honorably Discharged from the United States Air Force and have obtained a Bachelors Degree in Criminology with a minor in Psychology. I am a graduate of the Federal Law Enforcement Training Center Criminal Investigator Training Program, ATF Special Agent Basic Training, and the South Carolina Criminal Justice Academy. I have also attended numerous schools involving post blast investigations, search and seizure, drug investigations and financial crimes. As an ATF Agent, I am empowered to investigate violations of Federal Firearms, Arson and Explosive Laws.

During my tenure with ATF I have been involved in various degrees and capacities with numerous investigations. The investigations involved the illegal possession of firearms by convicted felons, the possession and use of firearms by narcotics traffickers/gang members, illegal sale or possession of machineguns and short-barrel shotguns or rifles, arsons of structures which affect interstate commerce, and the manufacture, possession or use of illegal explosive devices. A number of these investigations have included conspiratorial relationships between multiple defendants and generally involved a series or pattern of criminal activities or multiple criminal schemes. I have also participated in a number of investigations, which were conducted under a wide range of jurisdictions.

1. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with other law enforcement agents and sources and upon my examination of various reports, evidence and other records. Because this affidavit is being submitted for the limited purpose of establishing probable cause to support issuing a criminal complaint, it does not include all the facts that have been learned during the course of this investigation.

2. Based upon my own personal knowledge and information I received from various law enforcement sources that include but are not limited to the Mississippi Bureau of Narcotics and the Gulfport Police Department, I am aware of the following facts:

3. On October 10, 2012, Gulfport, MS Police Department Narcotics Unit executed a search warrant at 213 41st Street Gulfport, MS 39501, the residence of Robert Benjamin JONES pursuant to narcotic violations investigation. Seized during the search warrant were:

- One white 2004 Ford F-150 pickup bearing MS Tag # HF3805
- Approximately 2400 pills of suspected Xanax/Alprazol
- Approximately \$32,000.00 in U.S. currency
- Unknown white powder
- Several small clear plastic bags
- One Russian 12 gauge shotgun serial # H08438535
- One Remington, model 870, 12 gauge shotgun, serial # D443675M

- One Jennings 9mm pistol, Serial # 1490973
- One unidentified, 7.62 X 39 mm rifle, serial # H280990
- One Leinad, Model: C-M11, 9 mm pistol, serial number 94-0014753

4. The Leinad, Model: CM-11, 9 mm pistol, serial number 94-0014753 was sent to the ATF Laboratory for examination. On November 1, 2012, ATF Laboratory, Firearms Enforcement Officer Michael Powell examined the above mentioned Leinad firearm. The examination revealed the shoulder stock had been removed and the barrel muzzle had been cut. Powell reported the Leinad has an approximate overall length of 21 inches and a barrel length of 15-1/4 inches in length. Powell determined this Leinad to be a "Weapon made from a Rifle" as defined in 26 U.S.C. 5845(a)(4).

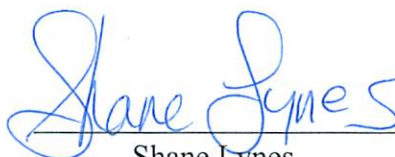
5. On May 20, 2013 SA Lynes received results from a records search by the ATF National Firearms Registration and Transfer Record Branch which verified that Robert JONES is not registered to possess a "weapon made from a rifle."

6. The amended Gun Control Act of 1968 (GCA), defines "firearm" to include- "...any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive... [and] ...the frame or receiver of any such weapon..." (See 18 U.S.C. 921(a)(3)).

7. The National Firearms Act (NFA) defines "firearm" to include- "...a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length..." (See 26 U.S.C. 5845(a)(4)).

8. Pursuant to Title 26 U.S.C., Section 5861(d) it is unlawful to possess a firearm not registered to him in the National Firearms Registration (NFA) and Transfer Record.

9. Based upon the foregoing information and my training and experience, I submit this information supports probable cause to believe Robert Benjamin JONES violated 26 U.S.C. 5861(d).



Shane Lynes

Special Agent, US Department of Justice
Alcohol, Tobacco, Firearms & Explosives

Sworn and subscribed before me this 8th January 2015.



United States Magistrate Judge